

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DOMINIC ALEX YOUNG,

Plaintiff,

V.

JESSICA MENDEZ,

Defendant.

No. 4:22-cv-00821-DDN

## MEMORANDUM AND ORDER

This matter is before the Court upon defendant Jessica Mendez’s (1) motion for special and limited entry of appearance for the purpose of challenging service of process, and (2) motion to quash service of process.<sup>1</sup> Both motions will be granted. For the reasons stated below, the Court will direct the Clerk to issue an alias summons to defendant Jessica Mendez, for service to be effected in accordance with Rule 4 of the Federal Rules of Civil Procedure.

The Court grants defendant's attorney a special and limited appearance for purposes of moving to quash the summons directed to his client, Jessica Mendez. Defendant moves to quash the summons issued by the Court on November 3, 2022. In her motion, defendant states she was not personally delivered a copy of the summons and complaint. Rather, the summons and complaint were delivered to another individual at the St. Charles County Jail. Defendant states that nobody at the St. Charles County Jail had any authority to accept service of process on her behalf.

The December 8, 2022, Process Receipt and Return pertaining to defendant Mendez indicates she was served with process on December 6, 2022, at the address provided by

<sup>1</sup> Plaintiff identified defendant only as “Nurse Jessica Unknown.” Defendant’s counsel has informed the Court that defendant’s full name is “Jessica Mendez.” For this reason, the Court will direct the Clerk to substitute “Jessica Mendez” on the docket sheet for “Jessica Unknown.”

plaintiff, which is the St. Charles County Jail, 301 North Second Street, St. Charles, Missouri 63301. (ECF No. 10). The Return identifies the individual served as “Melissa Hastings, Desk Clerk,” and a remark was entered identifying Ms. Hastings as being “served at the front desk of St. Charles County Jail.” *Id.* at 1.

It is apparent that the address of service was Mendez’s workplace. There is no indication of any relationship between Melissa Hastings and Mendez. Ms. Hastings may be Mendez’s supervisor or coworker, but that is unclear. Rule 4(e)(1) provides for alternative methods of service to be made according to the law of the state where the district court sits or where service is made, but Missouri law does not allow for service of process by serving a supervisor or coworker. Finally, there is no indication that Melissa Hastings is an agent authorized by appointment or law to accept service on behalf of Mendez. Fed. R. Civ. P. 4(e)(2)(C). In sum, there is no indication that Mendez was personally served, or served by any proper means available under the Federal Rules of Civil Procedure.

The Court will direct the Clerk to issue an alias summons as to defendant Mendez for service by the U.S. Marshal’s Service. Mendez shall be personally served at the address that plaintiff has provided: the St. Charles County Jail, 301 North Second Street, St. Charles, Missouri 63301. If Mendez cannot be found there, and the address of her residence or usual place of abode can be ascertained, she may be served there. Mendez may also be served by delivering a copy of the alias summons and complaint to an agent authorized by appointment or by law to receive service of process. In any event, service must be made in accordance with Rule 4 of the Federal Rules of Civil Procedure. According to Rule 4(e), an individual such as Mendez may be properly served by:

- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
- (2) doing any of the following:
  - (A) delivering a copy of the summons and of the complaint to the individual personally;
  - (B) leaving a copy of each at the individual’s dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

For these reasons, the Court will direct the Clerk to issue an alias summons as to Jessica Mendez, for service to be effected in accordance with Rule 4 of the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion for special and limited entry of appearance for the purpose of challenging service of process is **GRANTED**. [ECF No. 11]

**IT IS FURTHER ORDERED** that defendant's motion to quash service of process for insufficiency of service is **GRANTED**. [ECF No. 12]

**IT IS FURTHER ORDERED** that the Clerk shall issue an alias summons as to defendant Jessica Mendez for issuance of summons and service by the U.S. Marshal's Service in accordance with Rule 4 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the Clerk shall substitute the name "Jessica Mendez" for "Jessica Unknown" on the docket sheet and change the short title of this case to "*Young v. Mendez*."

/s/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on January 13, 2023.